

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARMINE J. ZAPPALA	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO. 05-71
	:	
JO ANNE B. BARNHART	:	
Commissioner SOCIAL SECURITY	:	
ADMINISTRATION	:	
Defendant.	:	

ORDER

AND NOW, this 2nd day of November, 2005, upon consideration of the pleadings and the record, and after review of the Report and Recommendation of United States Magistrate Judge Charles B. Smith dated October 6, 2005, there being no objections, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Charles B. Smith dated October 6, 2005, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment is **DENIED**;
3. The Motion for Summary Judgment of defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration, is **GRANTED**; and,
4. **JUDGMENT IS ENTERED** in **FAVOR** of defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration, and **AGAINST** plaintiff, Carmine J. Zappala.

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.